IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

CRL.A.No. 564 of 1998()

CC.296/1994 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TALIPARAMBA
SPECIAL LEAVE TO FILE APPEAL AS PER ORDER IN
CRL.M.C.3421/98 DATED 27.7.1998

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APPELLANT/COMPLAINANT:

KANDAN CHIRAKKAL PREETHA,
W/O.E.P.NARAYANAN,AGED 33 YEARS, BAKKALAM, KANUL P.O.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS/ACCUSED:

1.IRATTAPARAMBIL NARAYANAN,
S/O.OTHENA PERUVANNAN,
PALAKULANGARA, TALIPARAMBA P.O.,KANNUR DISTRICT.

2.P.P.GEETHA,D/O.KANNA PERUVANNAN,RESIDING AT VAYALAPRA,
CHERUTHAZHAM, P.O.MANDUR, KANNUR DISTRICT.

3.K.V.KANNA PERUVANNAN,S/O.CHINDA PERUVANNAN,
RESIDING AT VAYALPRA, CHERUTHAZHAM,P.O.MANDUR,
KANNUR DISTRICT.

4.P.P.NANI,D/O.APPA PERUVANNAN,RESIDING AT VAYALPRA,
CHERUTHAZHAM,P.O.MANDUR, KANNUR DISTRICT.

5.GIRIJA P.O.,D/O.KANNA PERUVANNAN,RESIDING AT VAYALPRA,
CHERUTHAZHAM,P.O.MANDUR,KANNUR DISTRICT.

6.T.SIVAN PERUVANNAN,S/O.KANNA PERUVANNAN,PAPPINISSERY P.O.,
KANNUR DISTRICT.

7.K.C.KUNHIRAMAN,S/O.OTHENA PERUVANNAN,PATTUVAM P.O.,
KANNUR DISTRICT.

BY PUBLIC PROSECUTOR SRI.K.M.FIROZ

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.B.KOSHY, J.

Criminal Appeal.No.564 OF 1998 ()

Dated this the 2nd day of November, 2006

JUDGMENT

This appeal is filed against the order of acquittal acquitting respondent 1 to 7. Accused were challenged for offences punishable under Section 494 read with Section 109 of the Indian Penal Code. Sole and substance of the allegation is that appellant is the legally married wife of the 1st accused. She married A2 during the life time of the complainant and A3 to A6 abetted A1 and A2 for the above marriage and therefore A1 and A2 has committed offences under Section 494. The fact that the appellant complainant married the accused is an admitted fact. But the court below found that second marriage of A1 with A2 was not proved. Evidence was adduced by PWs.2 and 3 to the fact that they have seen the ceremonies conducted for marriage between A1 and A2. But their evidence was disbelieved by the trial court. Court noticed that witnesses to the marriage were mentioned in the complaint but PWs.2 and 3 were not mentioned in the complaint as witnesses to the

second marriage. It is submitted that the witnesses to the marriage mentioned in the complaint are friends of the accused. So they were not examined. But they were not made co-accused in abetting the marriage. After considering the totality of the evidence, the trial court held that PWs.2 and 3 cannot be believed and there was no evidence to show that legal marriage was conducted between A1 and A2. From analysing evidence, I am of the view that it is a possible view. Since a possible view is taken by the appellate court no interference is needed in the order of acquittal. Therefore, appeal is dismissed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.Appeal.564 OF 1998

JUDGMENT

22nd November, 2006